

DELTA TRIBUTARY AGENCIES COMMITTEE (DTAC)

P.O. Box 4060 • Modesto, California 95352 • (209) 526-7564

May 22, 1995

228

**HAND-DELIVERED AND
ORALLY PRESENTED**

Mr. John Caffrey, Chairman
State Water Resources Control Board
Paul R. Bonderson Building
901 P Street
P.O. Box 100
Sacramento, CA 95812-0100

Re: SWRCB Adoption of Water Quality Control Plan for the San Francisco Bay/Sacramento—San Joaquin Delta Estuary: Draft Plan Issued May 1995

Mr. Caffrey, Members of the Board and Staff:

My name is Jim Chatigny, and I am presently the Manager of Nevada Irrigation District and the Chairman of the Delta Tributary Agencies Committee. I am presenting testimony to you today on behalf of the Delta Tributary Agencies Committee (DTAC), of which Nevada Irrigation District is a member, in response to your Notice of Board Meeting considering the adoption of a water quality control plan for the San Francisco Bay/Sacramento San Joaquin Delta Estuary which issued on May 8, 1995.

DTAC consists of 30 water agencies with service areas situated within the Sacramento River and San Joaquin River Basins. The primary reason for the formation of this group of public agencies in 1986 consisting of historically acquired pre-1914 and post-1914 appropriative water rights together with riparian rights was to jointly monitor these Bay-Delta hearings and where appropriate to jointly present and coordinate each agency's position by either direct or rebuttal testimony or cross examination of other interest group witnesses. These hearings commenced in July of 1987 and DTAC first presented testimony to your Board in Redding, California on September 15, 1987. As you may recall, these Bay-Delta hearings were originally to consist of 3 phases with the final phase concluding in 1989 with a water right proceeding following the adoption of water quality standards in Phase 2.

PY

Mr. John Caffrey, Chairman

State Water Resources Control Board

Re: SWRCB Adoption of Water Quality Control Plan for the San Francisco Bay/Sacramento—San Joaquin Delta Estuary: Draft Plan Issued May 1995

May 22, 1995

Page 2

Now we see your Board proposing to adopt water quality standards in May of 1995 and we understand, to be followed in July by a water right hearing which may reallocate water quantities held by water right holders in California in order to meet the standards.

DTAC's testimony presented in Redding on September 15, 1987 by both myself, Robert Clark before his retirement as the Manager of Glenn-Colusa Irrigation District and the late Dave Granicher as the Manager of RD 108 avoided legal argument on the extent of the National Audubon and Racanelli decisions and simply highlighted from a "global perspective" the reasonable and beneficial use of waters provided by agricultural, municipal, industrial, recreational and hydroelectric energy water users in Northern California and within DTAC agency service areas. We attach copies of DTAC exhibits 4A and 5A, pages 1 and 2, which were entered into evidence in Phase 1 of the Bay-Delta hearings testimony given in Redding on September 15, 1987. Please note that Byron-Bethany Irrigation District requested and was accepted as the most recent DTAC member relying upon upstream diversion and beneficial use of waters acquired in May of 1914. Woodbridge Irrigation District requested and was accepted as a DTAC member in 1992. DTAC exhibits 4A and 5A, pages 1 and 2, are revised showing the inclusion of Byron-Bethany Irrigation District but do not show the Woodbridge water supplies or uses.

In accordance with our testimony given on September 15, 1987 in Redding, all of the water used and diverted by DTAC member agencies is used for beneficial purposes to produce agricultural products for the benefit of California, the United States and the world; recreational benefits by making available the use of storage reservoir service areas, lakes and streams to California residents and tourists; hydroelectric energy produced to make available energy resources exceeding 5 billion kilowatt hours in 1986 at the time we originally submitted testimony in Phase 1 of these Bay-Delta hearings and other beneficial uses including municipal and industrial water services and fish release water flows again exceeding 100,000 acre-feet annually in 1986 at the time our testimony was presented in Phase 1. We ask that the Board consider and protect all of our DTAC member agencies beneficial uses as identified on pages 12 and 13 of your May 1995 draft plan.

Again, all of our member agencies possess either pre-1914 and/or post-1914 appropriative water rights or riparian water rights. Individual member agencies may present separate testimony today, prior to the water rights hearings, regarding areas of your proposed water quality control plan which will present individual agency impacts and/or sub group impacts such as the San Joaquin Tributary Agencies. It is the intent of our testimony before you today to again remind the Board of its water rights hearings which we understand will commence in July of 1995 by which you will adjudicate the water necessary to meet water quality objectives which you will adopt with finality at that time. We know

Mr. John Caffrey, Chairman

State Water Resources Control Board

Re: SWRCB Adoption of Water Quality Control Plan for the San Francisco Bay/Sacramento—San Joaquin Delta Estuary: Draft Plan Issued May 1995

May 22, 1995

Page 3

that you are aware of ongoing negotiations between what is referred to as the "Ag/CUWA" group and the "Upstream Users" which could avoid subsequent water right implementation proceedings for the quality objectives which you intend to adopt. We again must remind you that the State-Fed-Ag/CUWA accord of 12/15/94 was announced without the consensus approval of the remaining two-thirds of agricultural, M&I, recreation and hydroelectric water users in the Central Valley; i.e., DTAC and the remaining Upstream Water Users. We again urge you to be mindful of the reasonable and beneficial uses of water of all of our DTAC member agencies so that you will not, in subsequent water right hearings, deviate from California's water right priority system in favor of a "share the pain" concept that some exporters claim is required as part of the "Racanelli" decision. I note that the SWRCB intends to amend this May 1995 plan following the water rights phase if needed to insure consistency between the plan and the water available to "fund" the plan. In the same way, you have removed the word "speculative" (and inserted the word "theoretical") from your environmental draft report at page VIII-1 as requested by the Ag/CUWA group. However, the landowners, water users, customers and residents within our DTAC member agencies service areas will be socially and economically impacted by your adoption of these water quality standards. Therefore, we believe that you should clearly state that any standards adopted today are not "final" and will be re-evaluated in the next phase of these proceedings.

DTAC once again reaffirms its "statement of principals for Bay-Delta proceedings" adopted in Sacramento, California on June 9, 1991. Four (4) of the principals adopted by DTAC are:

1. The State Board should recognize and follow area of origin and watershed protection principals.
2. The State Board should recognize the unique impacts of Delta water exports and require those exporters to mitigate their adverse environmental impacts.
3. Consistent with principals (1) and (2), the State Board must rely on the priority system to allocate the responsibility for Bay-Delta water quality objectives and flow requirements.
4. Municipal and domestic uses should receive no special preference in the allocation of responsibility to maintain Bay-Delta water quality objectives and flow requirements.

Mr. John Caffrey, Chairman

State Water Resources Control Board

Re: **SWRCB Adoption of Water Quality Control Plan for the San Francisco Bay/Sacramento—San Joaquin Delta Estuary: Draft Plan Issued May 1995**

May 22, 1995

Page 4

As you can see from our attachment of DTAC exhibits 4A and 5A, pages 1 and 2 (exhibits revised), which were introduced into evidence in Phase 1 of these hearings in September of 1987 in Redding; DTAC member agencies provide gross crop values exceeding \$1 billion annually in 1986 and providing in excess of 5 million acre-feet in agricultural water uses and over 5 billion kilowatt hours produced. California's long-standing water right priority system is "time tested," statutorily authorized and historically resulted in billions of dollars of economic decisions and agency water development contractual commitments, all of which are demonstrated on the attached exhibits introduced before you in September of 1987 in Redding. We believe that this record is not ready for "adoption" of final water quality standards.

Again, if your Board feels constrained to take some action today, we urge that its action be advisory only, and subject to further review and final adoption in connection with the next phase of these proceedings in order to ensure full compliance with CEQA, and full balancing of the standards to be adopted along with the water supply, economic, environmental, and social impacts. The order should so state the "non-final" aspect of this water quality decision, to preserve your discretion, and to preserve our rights. If, however, you determine to adopt this order as a final order, if your purpose is like ours is to avoid litigation and to ask that all water right holders await the water right hearing to determine the appropriateness of the Board's actions, you must include within your order a (1) specific recognition that the statute of limitations upon any challenge of this action will not commence to run until after adoption of your water rights decisions and (2) that any duty to request a reconsideration of the Board's decision or any other procedural prerequisites to bringing litigation will not commence to run until after the water rights decision.

We trust that in the next phase all of these matters will be seriously considered and recognized by you in taking a "global approach" to setting these water quality objectives despite receiving what we are sure very difficult political pressures from various interest groups. Thank you.

Very truly yours,

DELTA TRIBUTARY AGENCIES COMMITTEE

By: _____
JAMES P. CHATIGNY, Chairman

DELTA TRIBUTARY AGENCIES COMMITTEE — Water Use and Crop Values

Agency	Gross Area Ac.	Irrigated Area Ac.	Agricultural A*F	Water A*F/Ac.	Water Users No.	Ave. Farm Size Ac.	Gross Crop Value \$	M & I Water A*F	M & I Customers No.
Amador Co. W A	0	0	0	N/A	0	0	0	8,000	5,000
Anderson-Cottonwood I D	34,000	17,000	147,000	8.6	1,200	20	\$1,365,000	0	0
Biggs-West Gridley W D	33,000	20,763	160,950	7.8	155	124	\$5,766,700	0	5,000.00
Browns Valley I D	42,000	16,435	39,600	2.4	400	41	\$1,500,000	108	40
Byron-Bethany I D	17,500	12,000	38,106		246	300	\$4,700,000	500	2
Calaveras Co. W D	647,000	20,000	9,500	0.5	100	50	\$11,326,100	8,500	10,000
Central California I D	144,500	140,000	500,000	3.6	2,000	100	\$150,000,000	1,500	2,500
Columbia Canal Co.	16,191	15,000	59,000	3.9	45	125	\$10,380,000	0	0
Cordua I D	12,000	10,564	68,000	6.4	52	203	\$5,460,000	0	0
Durham Mutual Water Co.	3,000			N/A			\$1,000,000	0	0
El Dorado I D	128,765	6,022	17,214	2.9	352	17	\$66,600,000	25,500	22,000
Firebaugh Canal Co.	22,640	22,000	66,245	3.0	52	450	\$17,884,000	0	0
Glenn-Colusa I D	172,500	141,000	852,000	6.0	841	167	\$75,000,000	0	0
Merced I D	154,394	131,953	579,900	4.4	3,937	23	\$82,719,461	0	0
Modesto I D, see Note 2	107,617	61,711	197,488	3.2	3,300	19	\$65,000,000	58,200	70,000
Nevada I D	272,500	35,000	144,000	4.1	3,200	11	\$7,165,000	9,100	11,400
Oakdale I D	69,000	58,400	287,600	4.9	2,652	21	\$20,424,000	2,700	970
Oroville-Wyandotte I D	15,000	2,000	4,000	2.0	800	5	\$1,400,000	4,357	5,368
Placer Co. W A	938,358	Note 1	73,764	N/A	3,639	137	\$50,300,000	14,077	14,717
Rameriz Water District	5,552	5,195		N/A			\$1,500,000	0	0
Richvale I D	27,500	17,000	136,850	8.1	80	350	\$15,000,000	0	0
San Luis Canal Co.	47,285	44,475	160,000	3.6	189	235	\$30,802,000	0	0
South San Joaquin I D	72,000	60,000	253,000	4.2	3,800	16	\$109,943,000	0	0
South Sutter W D	56,952	25,000	111,352	4.5	200	220	\$25,000,000	0	0
Sutter Extension W D	25,000	19,000	135,000	7.1	130	75	\$5,270,000	0	0
Turlock I D, see Note 2	197,281	161,805	573,230	3.5	7,549	22	\$160,000,000	35,400	42,600
Western Canal W D	60,000	54,000	265,000	4.9	200	270	\$17,500,000	0	0
Woodbridge I D									
Yolo Co. FC&WCD	193,847	58,000	107,764	1.9	250	232	\$55,000,000	1,738	20,000
Yuba Co W A	411,800	82,638	355,570	4.3	470	238	\$69,022,100	0	0
Totals:	*3,927,182	*1,236,962	5,342,133		35,839		\$1,067,027,361	169,680	*199,597

Note 1: Amount of irrigated acreage is unknown
 Note 2: Water deliveries within the service area
 Note 3: Asterick figures are mathematically correct

DELTA TRIBUTARY AGENCIES COMMITTEE

Power and Recreation Data

Reservoirs

Agency	Name	Date in Service	Capacity	Average Annual Yield A*F	Hydro Power Owned M*W	Energy Produced 1986 KWH	Minimum Fish Release @ A*F/Yr	Annual Recreation Day Use
Browns Valley ID	Virginia	1967	57,000	40,000	1,000	3,525,000	2,500	45,000
Calaveras Co. WD	3 Res.	1965	500					
Calaveras Co. WD	New Hogan (COE)	1970	30,100					
Calaveras Co. WD	PC&E	1970	15,000					
Cal. Co. WD Total			45,600	100,000	2.5	5,500,000	12,000	250,000
El Dorado ID	Sly Park (USBR)	1955	41,000	23,000	0.175		730	25,000
Glenn-Colusa ID					0.375	600,950		
Merced ID	New Exchequer	1967	1,024,600	1,000,000				
Merced ID	McSwain	1966	9,500	0				
Merced ID Total			1,034,100	1,000,000	89.1	434,707,000	101,000	333,000
Modesto ID	Don Pedro	1923	2,030,000	see TID				
Modesto ID	Modesto	1911	28,000	12,000				
Modesto ID	LaGrange	1893	100	see TID				
Modesto ID Total			2,058,100	1,012,000	52.4	260,904,648	38,860	see TID
Nevada ID	Jackson Meadows	1964	69,205	79,600				
Nevada ID	Bowman	1870	68,510	67,800				
Nevada ID	Rollins	1964	65,988	166,400				
Nevada ID	Scotts Flat	1947	48,547	46,200				
Nevada ID	French	1859	13,840	0				
Nevada ID	Combie	1928	5,555	28,200				
Nevada ID	Faucherie	1880	3,980	0				
Nevada ID	Sawmill	1880	3,030	0				
Nevada ID	Jackson Lake	1880	1,330	0				
Nevada ID	Milton	1928	295	0				
Nevada ID Total			280,280	388,200	85.1	323,692,220	65,865	97,500
Oakdale ID	Donnells	1958	64,300	62,200				
Oakdale ID	Beardsley	1957	97,800	62,700				
Oakdale ID	Tulloch-Melones	1958	200,000	200,000				
Oakdale ID Total			362,100	324,900	111	650,944,280	105,855	unknown

DELTA TRIBUTARY AGENCIES COMMITTEE

Power and Recreation Data

Reservoirs

Agency	Name	Date in Service	Capacity A*F	Average Annual Yield A*F	Hydro Power Owned M*W	Energy Produced 1986 KWH	Minimum Fish Release A*F/Yr	Annual Recreation Day Use
Oroville-Wyandotte	Little Crass V.	1964	94,600					
Oroville-Wyandotte	Sly Creek	1964	65,650					
Oroville-Wyandotte	Lost Creek	1923	5,000					
Oroville-Wyandotte	Ponderosa	1964	4,750					
Oroville-Wyandotte	Miners Ranch	1964	896					
Oroville-Wyandotte Total			170,896	400,000	120,000	533,000,000	26,800	unknown
Placer Co. WA	Hell Hole	1966	207,590					
Placer Co. WA	French Meadows	1965	136,405					
Placer Co. WA	Theodor	1850	344					
Placer Co. WA	Arthur	1850	94					
Placer Co. WA	Clover	1850	60					
Placer Co. WA	McCrary	1850	7					
Placer Co. WA	Mammoth	1850	115					
Placer Co. WA	Caperton	1850	6					
Placer Co. WA	Whitney	1850	15					
Placer Co. WA	Alta	1900	100					
Placer Co. WA Total			344,736	270,000	210.87	1,270,350,000	17,284	121,985
South San Joaquin ID	Donnells	1958	64,300	see OID				
South San Joaquin ID	Beardsley	1957	97,800	see OID				
South San Joaquin ID	Tulloch-Melones	1958	200,000	see OID				
South San Joaquin ID	Woodward	1918	36,000	36,000				
SSJID Total			398,100	360,900	see OID	see OID	see OID	see OID
South Sutter WD	Camp Far West	1963	104,400	100,000	6.8	26,072,290	6,400	80,000
Turlock ID	Don Pedro	1923	2,030,000	1,000,000				
Turlock ID	Turlock	1914	50,000	regulation				
Turlock ID	LaGrange	1893	100	diversion				
Turlock ID Total			2,080,100	1,000,000	103.6	644,646,000	84,350	501,333
Yolo Co. FC&WCD	Clear Lake	1910	150,000	108,000				
Yolo Co. FC&WCD	Indian Valley	1975	300,000	50,000				
Yolo Co. FC&WCD Total			450,000	158,000	5.4	11,917,000	7,227	unknown
Yuba Co. WA	Bullards Bar	1970	960,000	1,686,179				
Yuba Co. WA	Lake Francis		1,932	2,589				
Yuba Co. WA Total			961,932	1,688,768	365.15	1,416,694,000	314,740	14,065
Totals			5,996,144	5,540,868	1,153.5	5,582,555,374	783,611	1,467,883